

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

OCT 04 2020

McALLEN DIVISION

UNITED STATES OF AMERICA
V.

David J. Bradley, Clerk

CRIMINAL COMPLAINT

Sergio Gustavo Reyes

YOB: 1962

Principal

United States

Case Number:

M-20-2081 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 3, 2020 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Jhoselyn Merlos-Chacon, and Roxana Benitez-Sola, citizens and nationals of El Salvador, along with four (4) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Roma, Texas to the point of arrest near Roma, Texas, by way of motor vehicle,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Border Patrol Agent and that this complaint is based on the following facts:

On October 3, 2020, Agents were conducting surveillance in a ranch along the Rio Grande River near Roma, Texas for any illicit activity. At approximately 6:00 p.m., Agents observed several subjects emerge from the vegetation near the River and enter a white Chevrolet Silverado which was in the area. Agents dispatched their observations to surrounding Agents and suspected an alien smuggling attempt was taking place. Responding Agents observed a white Chevrolet Silverado, matching the description given, departing the ranch. Based on the sequence of events, Agents attempted to conduct a vehicle stop for an immigration inspection of the occupants.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA S. Dipiazza

/s/Jesus Barrientos

Signature of Complainant

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

Jesus Barrientos Border Patrol Agent

Printed Name of Complainant

October 4, 2020
Date

@ 1:10 PM

at McAllen, Texas
City and State

J. Scott Hacker, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

²⁰⁸¹
M-20- -M

RE: Sergio Gustavo Reyes

CONTINUATION:

The Silverado failed to yield to the emergency equipment and disregarded a stop sign and accelerated into a residential area. Agents proceeded to follow the Silverado for approximately four (4) minutes as it ultimately came to a stop when it crashed into a fence. Several subjects attempted to flee from the Silverado and evade arrest. One subject, identified as Sergio Gustavo Reyes, a United States citizen, was located inside the Silverado and determined to be the driver. After a brief search of the area, six (6) subjects were apprehended and found to be illegally present in the United States. Texas Department of Public Safety Troopers were on scene and assisted in the search.

All of the subjects were taken into custody and transported to the Rio Grande City, Texas Border Patrol Station for processing.

Principal statement:

Sergio Gustavo Reyes, a United States citizen, was read his Miranda Rights and refused to provide a sworn statement without the presence of an attorney.

Material Witness Statements:

Jhoselyn Merlos-Chacon was read her Miranda Rights and agreed to provide a sworn statement without the presence of an attorney.

Merlos claims her father made her illegal smuggling arrangements and arranged to pay \$13,000. Merlos claims she crossed the River today (10/3/2020) and a foot guide directed them north for ten (10) minutes to a brushy location. The foot guide then instructed them to hide and wait for the pick-up vehicle. Merlos claims a white pickup, driven by a male, stopped at their location and all six (6) subjects got in the pickup. Merlos claims once in the truck, the driver told them to "get down." Merlos claims after a few moments, law enforcement was following them and the driver began to drive faster in an attempt to get away. Merlos stated the driver's actions made her afraid. Merlos claims the driver then crashed and told them to "run and try to get away." Merlos described the driver as a heavy set older male dressed in shorts and a t-shirt.

Merlos identified Sergio Gustavo Reyes, through a photo lineup, as the driver of the white truck she was being transported in.

Roxana Benitez-Sola was read her Miranda Rights and agreed to provide a sworn statement without the presence of an attorney.

Benitez claims her brother made her smuggling arrangements and arranged to pay \$6,000. Benitez claims she crossed the River with six (6) others and a foot guide. The foot guide walked them north and instructed the group to get into a white truck. Benitez claims once in the vehicle, a male driver instructed the group to "get down." Benitez claims that law enforcement began following them and the driver began to accelerate to get away. Benitez claims she feared for her life because of the speed the driver was traveling at. Benitez claims when the driver crashed, he instructed them to "get out and hide."